

Dkt. #636-C-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicant : Martin et al.
U.S. Serial No. : 10/518,003
Confirmation No. : 6708
Filed : March 14, 2005
Examiner : Lawrence E. Crane
Art Unit : 1623
For : IN-VIVO ENERGY DEPLETING STRATEGIES FOR
KILLING DRUG-RESISTANT CANCER CELLS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madame:

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

The Assignee/Owner, Sloan-Kettering Institute for Cancer Research, having a place of business at 1275 York Avenue, New York, New York 10021, of the entire right, title and interest in and to the invention described and claimed in the above-identified patent application by virtue of the Assignment recorded in the United States Patent and Trademark Office on March 11, 2005 at Reel 015762, Frame 0536, and which is attached hereto as Exhibit A, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on this Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of a patent granted on a co-pending application USSN 10/172,346.

The Assignee/Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and

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during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Assignee/Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all the documents in the chain of title of this Application, Serial No. 10/518,003, filed on March 14, 2005 and, to the best of undersigned's knowledge and belief, title is in the Assignee/Owner identified above.

The undersigned (whose titles are supplied below) is empowered to act on behalf of his/her respective organization, which is the Assignee/Owner of the above-identified application.

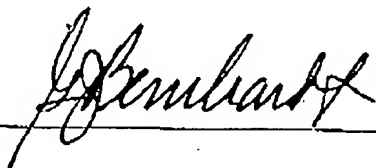
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

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United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By:



Date:

6/27/07

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